

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:	.	Case No. 16-12356-cgm
	.	
NEELAM TANEJA,	.	Chapter 13
	.	
Debtor.	.	
.	
NEELAM UPPAL,	.	Adv. No. 17-01027-cgm
	.	
Plaintiff,	.	
v.	.	
	.	One Bowling Green
GEORGE INDEST and HEALTH LAW	.	New York, NY 10004
FIRM, et al.,	.	.
	.	
Defendants.	.	Thursday, July 13, 2017
.	10:40 a.m.

TRANSCRIPT OF HEARING RE: SUPPLEMENTAL MOTION FOR SANCTIONS,
SECOND SUPPLEMENT TO (RELATED DOCUMENT(S) 11, 14)
FILED BY GEORGE F. INDEST III ON BEHALF OF
HEALTH LAW FIRM, GEORGE INDEST [22];
SUPPLEMENTAL MOTION FOR SANCTIONS, THIRD SUPPLEMENTAL
(RELATED DOCUMENT(S) 11, 22, 14) FILED BY GEORGE F. INDEST III
ON BEHALF OF HEALTH LAW FIRM, GEORGE INDEST [23];
SUPPLEMENTAL MOTION FOR SANCTIONS, FOURTH SUPPLEMENT TO MOTION
(RELATED DOCUMENT(S) 23, 11, 22, 14) FILED BY GEORGE F. INDEST
III ON BEHALF OF HEALTH LAW FIRM, GEORGE INDEST [24];
SUPPLEMENTAL MOTION FOR SANCTIONS, FOURTH SUPPLEMENT TO MOTION
FOR SANCTIONS - REFILED PUBLIC RECORD COPY FILED BY GEORGE F.
INDEST III ON BEHALF OF HEALTH LAW FIRM, GEORGE INDEST [25]
BEFORE THE HONORABLE CECELIA G. MORRIS
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

For the Debtor: NEELAM UPPAL, PRO SE
1370 Broadway, #504
New York, NY 10018

APPEARANCES CONTINUED

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APPEARANCES (Continued):

For George Indest and	The Health Law Firm
The Health Law Firm:	By: GEORGE F. INDEST, III, ESQ.
	1101 Douglas Avenue
	Altamonte Springs, FL 32714
	(407) 331-6620

1 (Proceedings commence at 10:40 a.m.)

2 THE COURT: 17-01027, Uppal versus Health Law Firm.

3 MR. INDEST: Yes, Your Honor. My name is George F.
4 Indest, III, representing the Health Law Firm, and we're here
5 on a Rule 9011 motion for sanctions.

6 At the last hearing in this case, Your Honor granted
7 our motion to dismiss and ruled in our favor dismissing the
8 case -- the adversary proceeding against us. Prior to that, on
9 May the 5th, we had served a Rule 9011 motion on Ms. Uppal and
10 given her more than 21 days to respond to it and to correct her
11 deficiencies there by dismissing the adversary proceeding
12 against us. She failed to do so. On May the 30th, long after
13 the --

14 THE COURT: I thought I told you when this motion was
15 filed that this is moot.

16 MR. INDEST: No, Your Honor. No. Because we --

17 THE COURT: Because you're -- this is over. I denied
18 both those motions. And the Court's order speaks for itself.

19 MR. INDEST: Your Honor did not say that or instruct
20 that. In fact, we had that conversation here in the court that
21 it would not be moot because we still had incurred the expenses
22 and costs surrounding having to come up here and defend on that
23 motion. And you said it would be continued until today and it
24 could be heard today. Now, we did have --

25 THE COURT: I granted the summary judgment in your



1 favor.

2 MR. INDEST: Yes, ma'am.

3 THE COURT: And then you filed a motion for
4 attachment in which you asked the Court to take judicial notice
5 of its own order. I don't have to take judicial notice --

6 MR. INDEST: Right.

7 THE COURT: -- of my own order. It's there. But you
8 filed it two days ago. You know you can't file sanctions
9 motions at that point.

10 MR. INDEST: No, Your Honor. We filed the motion and
11 the motion -- I'll tell you the ECF document number here in
12 just a minute -- Document Number 11.

13 THE COURT: So you want the 9011 to relate back to
14 the motion. You can't do that. You've got to file your 9011
15 saying -- I'm sorry. I'm confused. But you've got to file
16 your 9011 saying if you don't withdraw this. Is that what
17 you --

18 MS. UPPAL: He never did that, Your Honor.

19 MR. INDEST: We --

20 THE COURT: Ma'am, I'm talking to him. It's his
21 motion.

22 MR. INDEST: We served that on her on May the 5th and
23 gave her the 21 days' safe harbor --

24 THE COURT: Before May 5th.

25 MR. INDEST: May the 5th we served it on her. We



1 filed --

2 MS. UPPAL: No, Your Honor.

3 MR. INDEST: We filed it with the Court on May 30th.

4 And that's ECF Number 11.

5 THE COURT: And so what are you asking her to
6 withdraw? Because you now have -- you've been ruled in your
7 favor, correct?

8 MR. INDEST: Right. She had the opportunity to
9 withdraw her motion before we had to incur the expenses of
10 coming up here and defending it at the last hearing and she
11 failed to do so.

12 MS. UPPAL: No, Your Honor. He never served me with
13 any --

14 THE COURT: Ma'am, he's got it on the record he
15 served it. If you've got the address in your petition, that's
16 the address.

17 MS. UPPAL: Yes, Your Honor. He served me the motion
18 but not any notice to withdraw.

19 THE COURT: Show me what you served. This is what I
20 did. The Court grants the creditor defendant's request to
21 withdraw the portion of the creditor's motion which requests
22 attorney fees without prejudice. That's what my order says.

23 MR. INDEST: If I may remind the Court? Part of my
24 original motion to dismiss requested attorney's fees under
25 911 -- 9011.



1 THE COURT: And I said no.

2 MR. INDEST: And --

3 THE COURT: But I did it without prejudice.

4 MR. INDEST: We withdrew it. Correct. Because we
5 said we had another motion filed, a 9011 motion filed anyway.
6 And you said that's fine, we could hear it today.

7 THE COURT: Okay. We're looking it up.

8 MR. INDEST: May I approach the bench? This is
9 what --

10 THE COURT: Tell us what docket number it is.

11 MR. INDEST: Oh, it's ECF Number 11.

12 MS. UPPAL: Judge, may I enter a clarification? He
13 did send papers to the attorney. And I didn't know what was
14 sent to the attorney. He did not send me as pro se any notice.

15 THE COURT: Did you file a notice of -- a service
16 notice?

17 MR. INDEST: Absolutely, Your Honor. So both her and
18 her attorney at multiple different addresses. On one of our
19 motions for judicial notice we have receipts filed, express
20 mail receipts, email receipts, and all sorts of receipts
21 showing service on both her and her attorney.

22 MS. UPPAL: Your Honor, I do have the email and I was
23 only served the motion, not any notice.

24 MR. INDEST: As part of the motion, we demanded that
25 she withdraw her adversary proceeding and she failed to do so.



1 MS. UPPAL: That's what I'm saying. He agrees he --

2 THE COURT: The certificate of service is at Number
3 11 where you say you served it?

4 MR. INDEST: Yes, Your Honor. It's in Number 11.

5 MS. UPPAL: Judge, he has the paperwork. It's only
6 the motion. It doesn't say a notice for withdrawal.

7 THE COURT: We're looking at it. What's the caption
8 on that? God bless you.

9 MR. INDEST: Creditor The Health Law Firms and George
10 Indest's Motion for Rule 9011 Sanctions, Attorney's Fees, and
11 Costs and Incorporated Memorandum of Law.

12 THE COURT: And he has filed that notice of -- he
13 certified that he served the foregoing electronically in
14 accordance with Rule 7004 and 9011(c), Federal Rule of
15 Bankruptcy Procedure, via email, U.S. Mail, postage prepaid to
16 Neelam Tajeen [sic] Uppal, 1370 Broadway, Number 504, New York,
17 10018, and has also served her by filing a copy electronically
18 with the Clerk of Court. I will grant your motion.

19 MS. UPPAL: Judge, can I object to that?

20 THE COURT: Yes, you can. But I've already ruled.

21 MS. UPPAL: Judge, to begin with, the proceeding is
22 filed according to the 7001 Rule on paragraph 2 and paragraph
23 8. And it was appropriately filed. Your Honor, to begin with,
24 his bill was fraudulent. And he is filing a judgment which is
25 on appeal in the state court, so --



1 THE COURT: That doesn't make any difference to me.
2 He filed it properly. You did not withdraw it. And I'm going
3 to grant your motion.

4 MR. INDEST: Your Honor, we filed affidavits with the
5 Court as to the amount of attorney's fees and costs.

6 THE COURT: How much was it?

7 MR. INDEST: And we filed several different
8 attorney's fees affidavit and a survey of attorney's fees for
9 the New York area and the Orlando, Florida area. I expended --
10 and what I did, I did not charge any time for paralegals or
11 legal assistants to try to keep this simple. I just charged my
12 own time. I have 100 --

13 THE COURT: Is that for the bankruptcy proceeding?

14 MR. INDEST: No. This is for the adversary
15 proceeding alone.

16 THE COURT: Oh, the adversary proceeding alone?

17 MR. INDEST: Adversary proceeding alone.

18 THE COURT: Okay.

19 MR. INDEST: 114.8 hours. We charged an hourly rate
20 of \$475 an hour, which is less than our ordinary rate. That
21 comes up to a total of \$54,530. We have costs in the amount of
22 \$2,905.33. And that includes travel expenses to and from
23 Orlando up to and including this hearing. The total is
24 \$57,435.33.

25 THE COURT: I'll grant your fees.



1 MS. UPPAL: Your Honor, I had filed a motion for
2 reconsideration because my response was not docketed and Your
3 Honor did not look at the evidence and granted the summary
4 motion despite the fact there was materials --

5 THE COURT: It's already been denied on the record
6 and there's already an order.

7 MR. INDEST: And, Your Honor, as Your --

8 MS. UPPAL: Judge, I will request that -- to give a
9 stay on this and to allow my motion to reconsideration be
10 heard.

11 THE COURT: Denied.

12 MR. INDEST: Your Honor, as Your Honor knows, Rule
13 9011 requires the specific incidents of misconduct to be
14 specified by the Court. May I suggest that the Court include
15 failure to dismiss her adversary proceeding, the claims that
16 she included against me, which are the same she included
17 against everybody else about payment deductions from her
18 account when she didn't even have an account with us, and the
19 fraudulent claims which have been brought up with everybody
20 over and over again even though these were disposed of by the
21 lower court previously.

22 THE COURT: I think I've already wrote that --

23 MR. INDEST: Okay,

24 THE COURT: I've already written that.

25 MR. INDEST: Yes, ma'am.



1 THE COURT: That's already in a previous order.

2 MR. INDEST: Right. It is. Thank you.

3 THE COURT: So all I'm doing is following up with
4 the -- what has already --

5 MR. INDEST: Right.

6 THE COURT: -- been written and --

7 MR. INDEST: Yes, ma'am.

8 THE COURT: -- making it of the record.

9 MR. INDEST: Thank you very much, Your Honor.

10 MS. UPPAL: Your Honor, can I again -- that there was
11 no 21-day notice given because --

12 THE COURT: There was 21-day notice. We have the
13 certificate of service on it when it was filed. So I will deny
14 what you've said.

15 (Proceedings concluded at 10:49 a.m.)

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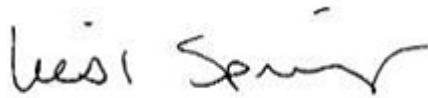
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C E R T I F I C A T I O N

I, Liesl Springer, court-approved transcriber,
certify that the foregoing is a correct transcript from the
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LIESL SPRINGER, AAERT NO. 685 DATE: July 21, 2017
ACCESS TRANSCRIPTS, LLC

